

Message Text

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ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 NSCE-00 SSO-00 ACDA-12
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FM AMEMBASSY VIENNA
TO SECSTATE WASHDC IMMEDIATE 6171
INFO USDOEHQ WASHDC IMMEDIATE
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AMEMBASSY LONDON IMMEDIATE

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USIAEA

DEPT PASS IO/SCT AND S/AS
DOE PASS IA, AMMONS

E.O. 11652: N/A
TAGS: IAEA, TECH, ENRG
SUBJECT: INFCE: STUDY OF INTERNATIONAL MANAGEMENT UNDER
IAEA AUSPICES OF SEPARATED PLUTONIUM AND SPENT FUEL

1. MISOFF HAS HELD FURTHER DISCUSSIONS WITH MESSRS. DAVID FISCHER AND DAVID EDWARDS ON SUBJECT STUDIES. AGENCY PLANS TO KEEP TWO STUDIES TOGETHER WITH COMMON INTRODUCTION. AT INSISTENCE OF DIRECTOR GENERAL, AGENCY WILL NOT SUBMIT STUDIES TO INFCE IN MAY AS EARLIER PLANNED. INSTEAD, BOTH STUDIES ARE NOW BEING SUBJECTED TO ADDITIONAL INTERNAL REVIEW AND REDRAFTING WITHIN SECRETARIAT. DIRECTOR GENERAL PLANS TO REPORT ON STUDIES TO JUNE BOARD, AND TO CIRCULATE COMBINED STUDY IN SEPTEMBER (PERHAPS EARLIER) TO MEMBER STATES FOR COMMENT. (NOTE: FISCHER ASSUMES COMBINED STUDY WOULD BE CIRCULATED.)
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HE REPORTS THAT IN DISCUSSION WITH DIRECTOR GENERAL, EXPLICIT REFERENCE WAS MADE ONLY TO PU MANAGEMENT STUDY. MISSION WILL CLARIFY THIS ON RETURN NEXT WEEK OF DIRECTOR GENERAL TO VIENNA.)

2. AT SAME TIME STUDIES ARE CIRCULATED TO MEMBER STATES, THEY WOULD BE GIVEN TO INFCE FOR INFORMATION. SECRETARIAT

HAD BEEN UNDER IMPRESSION (SO ADVISED BY UK) THAT WG-4 HAD ASKED FOR PU MANAGEMENT STUDY ONLY FOR INFORMATION, AND HAD NO PLANS TO DO WORK IN WG-4 ON THIS STUDY. MISOFF SHOWED FISCHER DESCRIPTION TASK 6 OF WG-4 WHICH, WHILE URGING AGENCY TO CONTINUE ITS STUDY, STATES THAT WG-4 WOULD DO INDEPENDENT ANALYSES THIS SUBJECT USING AGENCY DRAFT AS BASIS. FISCHER CONCERNED ABOUT TWO PARALLEL STUDIES (AGENCY AND WG-4) ON PU MANAGEMENT, AND WOULD PREFER THAT WG-4 LET WORK ON THIS SUBJECT PROCEED EXCLUSIVELY UNDER IAEA AUSPICES. HE EXPRESSED CONCERN THAT TWO PARALLEL STUDIES WOULD LEAD TO CONFUSION, AND EXPRESSED HOPE WG-4 WOULD AGREE TO AWAIT FINAL IAEA REPORT AND ACCEPT IT FOR INFCE PURPOSES.

3. AFTER SECRETARIAT RECEIVES COMMENTS OF MEMBER STATES (OCTOBER-NOVEMBER), IT WOULD CONVENE MEETING OF INTERESTED MEMBER STATES ON SUBJECT OF PU MANAGEMENT (ONLY) TO TAKE STEPS LEADING TO IMPLEMENTATION OF INTERNATIONAL PU MANAGEMENT REGIME UNDER ARTICLE XII.A.5. FISCHER HOPES SUCH A MEETING COULD BE CONVENED LATE IN 1978.

4. NO SUCH MEETING OF MEMBER STATES IS CURRENTLY PLANNED FOR SPENT FUEL PORTION OF STUDY, BUT FISCHER SAID AGENCY WOULD BE RECEPTIVE TO PROPOSAL BY U.S. FOR SUCH A MEETING. HE OPINED, HOWEVER, THAT IT WOULD BE BEST TO KEEP THE PU MANAGEMENT MEETING SEPARATE FROM THE SPENT LIMITED OFFICIAL USE

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FUEL MANAGEMENT MEETING.

5. TO SUGGESTION BY MISOFF THAT TO AVOID UNDUE DELAY OF INFCE CONSIDERATION INTERNATIONAL MANAGEMENT SPENT FUEL, U.S. MIGHT CONSIDER SUBMITTING MCGOLDRICK DRAFT TO WG-6 AS U.S. INPUT, FISCHER SAID IF THIS WERE DONE HE WOULD BE OF VIEW THAT NO FURTHER AGENCY WORK BE DONE ON SPENT FUEL PORTION OF STUDY. AS IN CASE OF PU MANAGEMENT STUDY, FISCHER BELIEVES TWO PARALLEL STUDIES ON INTERNATIONAL MANAGEMENT SPENT FUEL WOULD LEAD TO CONFUSION.

6. FISCHER SAID IN REDRAFTING OF COMBINED PAPER CURRENTLY UNDERWAY WITHIN SECRETARIAT, BASIS FOR PU MANAGEMENT WOULD BE ARTICLE XII.A.5 ONLY (CURRENT REFERENCE IS TO BOTH ARTICLES III AND XII.A.5). FOR SPENT FUEL, REFERENCE WOULD BE MADE TO BOTH ARTICLES III AND XII.A.5 (CURRENT REFERENCE IS TO ARTICLE III ONLY). FISCHER IS INCORPORATING ARTICLE XII.A.5 REFERENCE FOR SPENT FUEL ONLY BECAUSE OF U.S. INSISTENCE THIS POSSIBILITY BE RETAINED FOR CONSIDERATION. HIS OWN VIEW IS THAT SPENT FUEL MANAGEMENT IS SERVICE, AND THEREFORE RELATES TO ARTICLE III. ON THE OTHER HAND, HE PERCEIVES PU

MANAGEMENT AS AN EXERCISE OF AGENCY LEGAL RIGHTS DERIVED FROM ARTICLE XII.A.5. HE ASKED, RHETORICALLY, HOW ONE WOULD DEFINE CONCEPT OF "EXCESS" IN CONTEXT SPENT FUEL.

7. MISSION ASSUMES BEST OUTCOME, FROM US POINT OF VIEW, WOULD BE FOR DG TO DROP PLANS FOR INDEPENDENT STUDY OF INTERNATIONAL MANAGEMENT OF SEPARATED PLUTONIUM AND SPENT FUEL AND TO AGREE THAT THESE MATTERS SHOULD BE HANDLED WITHIN CONTEXT OF INFCE. WE BELIEVE HE WILL PROBABLY BE MOST RELUCTANT TO DO THIS UNLESS THIS COURSE OF ACTION IS ALSO ACCEPTABLE TO UK, WHICH, WE UNDERSTAND FROM FISCHER, CONVINCED DG TO ADOPT CURRENT PLAN. DEPARTMENT

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WILL HAVE BETTER IDEA THAN MISSION OF POSSIBILITY OF GETTING UK AGREEMENT, WHICH WE FEEL WOULD HAVE TO BE DONE IN CAPITALS, RATHER THAN VIENNA.

8. IN EVENT DEPARTMENT FEELS APPROACH TO UK WOULD NOT RPT NOT BE PRODUCTIVE, OR IF IT PROVES SO, THERE ARE .
ADDITIONAL QUESTIONS THAT WILL HAVE TO BE ADDRESSED.

- A. SHOULD WG-4 REVISE ITS PLANS (AND ITS TERMS OF REFERENCE) AND REFRAIN FROM INDEPENDENT STUDY OF INTERNATIONAL MANAGEMENT OF SEPARATED PLUTONIUM? WHILE THIS WOULD MEET FISCHER'S REQUIREMENTS (AND UK PERCEPTION) MISSION BELIEVES ON BASIS OF LIVELY INTEREST IN WG-4 THIS SUBJECT THAT PERSUASION TO THIS VIEW OF WG-4 (AND TCC) WOULD BE DIFFICULT. ON THE OTHER HAND, U.S. INTERESTS

MIGHT BE BEST SERVED BY LETTING AGENCY STUDY BE THE ONLY STUDY OF THIS SUBJECT; WG-4 STUDY COULD BE CHAOTIC AS EVIDENCED BY VIEW ADVANCED IN WG-4 DISCUSSION TO EFFECT THAT ARTICLE XII.A.5 REGIME SHOULD BE CONSIDERED AS ONLY ONE OF SEVERAL POSSIBLE REGIMES.

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- B. SHOULD U.S. SUBMIT MCGOLDRICK DRAFT OF SPENT FUEL STUDY TO WG-6 AS U.S. INPUT AND RISK TERMINATION OF FURTHER AGENCY STUDY THIS SUBJECT? MISSION OF VIEW THIS WOULD BE COUNTERPRODUCTIVE TO U.S. INTERESTS SINCE IN THAT EVENT SPENT FUEL STUDY WOULD LOSE STATUS RELATIVE TO PU MANAGEMENT STUDY.

- C. IF AGENCY STUDY SPENT FUEL PROCEEDS THROUGH STAGE OF SEPTEMBER DISTRIBUTION FOR MEMBER STATE COMMENTS, SHOULD U.S. PROPOSE TO AGENCY THAT INTERESTED MEMBER STATES BE CONVENED LATE THIS YEAR TO CONSIDER SPENT FUEL REGIME UNDER AGENCY AUSPICES, OR SHOULD POST-SEPTEMBER DISPOSITION OF SPENT FUEL BE LEFT TO WG-6? MISSION BELIEVES THAT U.S. INTERESTS BEST SERVED BY FIRST OF ABOVE ALTERNATIVES SINCE SECOND ALTERNATIVE WOULD RESULT IN LOSS OF STATUS FOR SPENT FUEL STUDY RELATIVE TO MANAGEMENT STUDY.

- D. IF DEPARTMENT AGREES WITH MISSION VIEWS EXPRESSED ABOVE, AND IF WG-4 AND WG-6 CAN BE PERSUADED TO CHANGE THEIR WORKPLANS (WHICH CALL FOR GROUP STUDY OF INTER-NATIONAL MANAGEMENT OF SEPARATED PLUTONIUM AND SPENT FUEL, RESPECTIVELY), DEPARTMENT WILL NEED TO ADDRESS QUESTION OF WHETHER INFCE TECHNICAL AND ECONOMIC SCOPE (TERMS OF REFERENCE) REQUIRES INFCE STUDY OF THESE QUESTIONS, OR WHETHER ACCEPTANCE BY WG-4 AND WG-6 WOULD SATISFY CHARTERS OF THESE TWO GROUPS. IF FORMER IS CASE, TCC AND PLENARY WOULD HAVE TO AGREE TO CHANGE IN TECHNICAL AND ECONOMIC SCOPE FOR THESE TWO WORKING GROUPS. IN MISSION VIEW, CASE COULD BE MADE THAT GROUPS NEED NOT PERFORM INDEPENDENT STUDY WHEN OUTSIDE STUDIES OF SAME SUBJECT ARE AVAILABLE AND PERCEIVED AS ACCEPTABLE. IN ANY EVENT, GIVEN IMPORTANCE THESE TWO SUBJECTS, THIS SUBJECT MAY NEED TO LIMITED OFFICIAL USE

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BE RAISED AT TCC TO GAIN ITS CONCURRENCE.

8. FISCHER URGED MEETING THIS SUBJECT NEXT WEEK BETWEEN

MISSION AND SECRETARIAT, TO INCLUDE ME AND DR. EKLUND.
FISCHER OF VIEW THAT EKLUND NEEDS TO FOCUS ON THIS
MATTER, AND TO UNDERSTAND ITS IMPLICATIONS. I WILL
SEEK MEETING WITH EKLUND ON THIS MATTER AS SOON AS I
HAVE DEPARTMENT'S VIEWS. TIMELY RESPONSE WILL BE
IMPORTANT, HOWEVER, AS WE SHOULD MOVE QUICKLY BEFORE
CURRENT PLANS GATHER MORE MOMENTUM. KIRK

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